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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,316	11/14/2003	Michael Elks	4864-00020	2740

7590

08/02/2005

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EXAMINER

GATES, ERIC ANDREW

ART UNIT

PAPER NUMBER

3722

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/714,316	<b>Applicant(s)</b> ELKIS ET AL.	
	<b>Examiner</b> Eric A. Gates	<b>Art Unit</b> 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 9 is/are rejected.
- 7) ☒ Claim(s) 3-8 and 10-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/14/03 / 7/12/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>PTO-1449 4/22/05</u> .                |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the second to last and last paragraph it appears as though the applicant is claiming two separate anvil cylinders. It is also unclear which cylinders are moving horizontally and vertically in reference to the other cylinders.
3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the metes and bounds which applicant regards as the invention. In the second paragraph of claim 2, it is unclear whether the claim is stating that the anvil cylinder moves vertically with the operative die cylinder, or moves vertically in reference to the operative die cylinder.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fokos (U.S. Patent 5,001,950). Fokos discloses a rotary die cutter assembly 10 with a vertical support 14 and rectilinear translation arrangement 40 and 60, said die cutter assembly 10 having an anvil cylinder 18 and two die cylinders 20 alternately or simultaneously operable with said anvil cylinder 18. Said arrangement comprises a supporting base 14, said anvil cylinder 18 supported at axial opposite cylinder ends by bearing assemblies 21. Said pair of die cylinders 20 are supported at axial opposite ends by bearing blocks 44. Horizontal linear movement of one of said die cylinders 20 on said supporting base 14 relative to anvil cylinder 18 and other of said die cylinders 20 occurs through rotation of one hand wheel 66. Vertical linear movement of one of said die cylinders 20 between an operative position and a stand-by position occurs through rotation of one hand wheel 52. In said operative position, at least one of the die cylinders 20 may be vertically aligned with the anvil cylinder 18 and supported on said supporting base 14.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fokos in view of Winter (U.S. Patent 6,086,694). Fokos discloses each die cylinder 20 to be supported for independent and unidirectional horizontal linear movement on the supporting base 14 through use of hand wheels 66, whether in stand-by position or during die cylinder exchange. Fokos also discloses vertical linear movement of the die cylinders 20 using hand wheels 52. Fokos does not directly disclose that the vertical movement is used to move the die cylinder 20 from an operating position to a die cylinder exchange position, but this is a potential use for the hands wheels 52. Fokos does not disclose the anvil cylinder 18 to be supported for vertical linear movement. Winter teaches the use of an anvil cylinder 37 that uses two handwheels 372 for the purpose of vertical adjustment. Therefore it would have been obvious to one having ordinary skill in the art to have modified the die cutter assembly of Fokos with the anvil cylinder vertical adjustment capability of Winter in order to support the anvil cylinder for vertical linear movement with the operative die cylinder.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fokos in view of Buck (U.S. Patent 5,388,490). Fokos discloses the invention essentially as claimed except for the horizontal linear movement capability of the anvil cylinder 18 on

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said supporting base 14. Buck teaches the use of an anvil cylinder 28 that uses a lateral adjustment device 44 for the purpose of horizontal adjustment. Therefore it would have been obvious to one having ordinary skill in the art to have modified the die cutter assembly of Fokos with the anvil cylinder horizontal adjustment capability of Buck in order to allow for horizontal linear movement of the anvil cylinder.

### ***Allowable Subject Matter***

8. Claims 3-8 and 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mizushima (U.S. Patent 4,188,815) discloses a die cylinder changing apparatus. Yamashita teaches a means for simultaneously and independently moving all incorporated cutting heads horizontally. Biggar (U.S. Patent 4,413,541) teaches a structure for rapid changeover of die cutting cylinders. Mensing (U.S. Patent 4,976,676) teaches a structure with multiple tool bodies positioned in a swiveling manner enabling the tools to be utilized alternatively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is 571-272-

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5498. The examiner can normally be reached on Monday-Thursday 7:00-4:30 & alt Fridays 7:30-4:00.

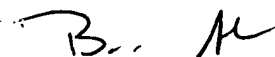
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EAG

Eric A. Gates  
Patent Examiner  
Art Unit 3722



BOYER D. ASHLEY  
PRIMARY EXAMINER